

SHERMAN, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

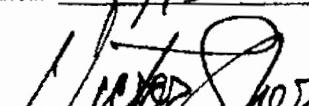
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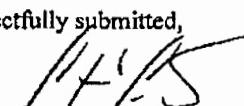
**STIPULATION AND ORDER DISMISSING ALL CLAIMS AGAINST
GIANT DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Plaintiff City of New York and Defendants Giant Industries, Inc., Western Refining, Inc., Western Refining Yorktown, Inc., formerly known as Giant Yorktown, Inc., Western Refining Company, L.P., and Western Refining Southwest, Inc., formerly known as Giant Industries Arizona, Inc. and formerly doing business as Giant Refining Company (collectively, "Giant") hereby request that the Court enter this voluntary dismissal with prejudice of all claims against Giant as set forth in the Plaintiff's Fourth Amended Complaint, filed on March 9, 2007. The parties agree to the dismissal and further agree that such dismissal is with prejudice, with each party bearing its own attorneys' fees and costs. Plaintiff reserves all other rights as against all other defendants.

Dated: 5/13, 2009

Respectfully submitted,


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Todd E. Robins (*Admitted pro hac vice*)
Joshua G. Stein (*Admitted pro hac vice*)
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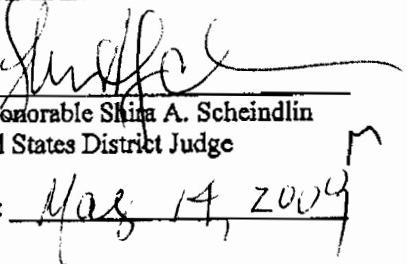
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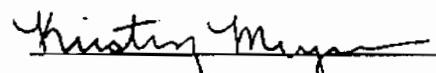
SO ORDERED:


The Honorable Shira A. Scheindlin
United States District Judge

Dated: May 14, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Stipulation and Order Dismissing All Claims Against Giant Defendants** was served on Liaison Counsel via Electronic Mail, and on all counsel of record by posting it directly to LexisNexis File & Serve on the 13th day of May, 2009.



KRISTIN MEYERS